

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1522

TONY FRANKLIN ELLER,

Plaintiff - Appellant,

versus

STATE OF VIRGINIA,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Abingdon. James P. Jones, Chief District Judge. (CA-04-29)

Submitted: July 15, 2004

Decided: July 20, 2004

Before MOTZ, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tony Franklin Eller, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Tony Franklin Eller appeals the district court's order dismissing his civil rights claim for failure to state a claim on which relief may be granted. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Eller v. Virginia, No. CA-04-29 (W.D. Va. Apr. 14, 2004); see also Younger v. Harris, 401 U.S. 37 (1971) (holding that federal courts will not intervene in ongoing state criminal prosecution absent exceptional circumstances). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED